**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 222 OF 2004

Jayant Jain and Ors. .. Petitioners
V/s.
The Deputy Director of Education
and Ors. .. Respondents

Mr. Rahul Thakur for the Petitioner
Mr. G.W. Mattos, AGP. for the Respondent Nos. 1 to 4.
Ms. N.V. Sanglikar for the BMC-Respondent No. 5.
Mr. Rajiv Chavan with Mr. Suresh Kumar for the Respondent No. 6.

**CORAM : F.I. REBELLO &**
**S.P. KUKDAY, JJ.**
**DATED : 17.03.2005.**

**P.C.:-**

1. The Petition is directed against the pre-primary schools. Relief sought are as set out in prayer clauses (a), (b) and (c), which read as under:-

> (a) That this Honourable High Court may be pleased to issue a Writ in the nature of Mandamus ordering the Respondent No. 1,2,3,4,5 and 6 or any of them to frame appropriate rules/regulations/guidelines governing the Pre-Primary Schools Nurseries/Play Schools/Kinder Gartens/Balwadis etc with respect to registration; fees, admissions syllabus; medium/type and time of instruction; service conditions and salaries of teachers/staff and any other necessary pre-quisites.
>
> (b) Issue a Writ of Mandamus in the nature of Writ of Mandamus or any other order, direction, Writ in the nature of Writ of Mandamus directing the Respondent No. 1 to 6 or any of them to provide for a Regulatory, Controlling/Competent Authority for redressal of grievances of parents concerning pre-primary Schools/Nurseries/Play Schools/Kinder Gartens/Balwadis etc.
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> (c) Issue a Writ of Mandamus or any other appropriate Writ, direction, order in the nature of Writ of Mandamus ordering the Respondents No. 1 to 6 or any of them compel these Pre-Primary Centres to make registration of such Pre-School Centres and

direct them to admit children living in close vicinity of 1.5 km from the school and also provide



a special siblings category to admit children to such schools whose brothers/sisters studying in the same school.

2. It is now accepted, based on various recommendations of expert bodies, that no children should be admitted unless she completes 5 years in a primary school. The State does not recognise the pre-primary education as part of primary education. Once that be the case, it is not for this Court to issue any direction in the matter of Institutions, which are not recognised by the State. Once it is beyond the judicial review, even assuming that the case as propounded may have some merit, the extra-ordinary jurisdiction of this Court under Article 226 and 227 can not be exercised. The Petitioner’s redressal at the highest is to the Legislature. With the above observation, Petition stands disposed of.

**(F.I. REBELLO, J.)**

**(S.P. KUKDAY, J.)**